

# **EXHIBIT 35**

## **MAO DECLARATION OPPOSITION TO SUMMARY JUDGMENT**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

CHASOM BROWN, WILLIAM BYATT, )  
JEREMY DAVIS, CHRISTOPHER )  
CASTILLO, and MONIQUE )  
TRUJILLO, individually and on )  
behalf of all similarly )  
situated, )  
 )  
Plaintiffs, )  
 )  
vs. )Case  
 )4:20-cv-03664-YGR-SVK  
GOOGLE LLC, )  
 )  
Defendant. )  
\_\_\_\_\_ )

VIDEO-RECORDED DEPOSITION OF  
BLAKE LEMOINE  
Thursday, December 21, 2023  
Volume I

Reported by:  
CARLA SOARES  
CSR No. 5908  
Job No. 6377402  
Pages 1 - 232

1 for themselves. So Google gives them a handful of 15:28:37  
2 toggles to make them feel like they have control,  
3 and then gives them the one product that the Google  
4 engineers think is the actually good one.

5 Q Doesn't -- doesn't Google have concern 15:28:52  
6 that violating users' privacy in this way opens them  
7 up to scrutiny from regulators or subject to  
8 lawsuits like this one?

9 A Cost of doing business. Fines are simply  
10 another line on the expense report. 15:29:06

11 MR. LEE: I'm not done yet, but I think we  
12 should take a quick break and go off the record.

13 MR. SCHAPIRO: Okay.

14 THE VIDEO OPERATOR: This marks the end of  
15 Media Unit 4. We are going off the record. The 15:29:20  
16 time is 3:29 p.m.

17 (Recess, 3:29 p.m. - 3:46 p.m.)

18 THE VIDEO OPERATOR: This marks the  
19 beginning of Media No. 5. We're going back on the  
20 record. The time is 3:46 p.m. 15:46:12

21 BY MR. LEE:

22 Q Welcome back, Mr. Lemoine. Just us a  
23 couple more questions. Okay?

24 A Okay.

25 Q Mr. Lemoine, do you remember a Google 15:46:22

1 account privacy control called "Web and App 15:46:26  
2 Activity"?

3 A Yes, I do. In fact, the non-personalized  
4 logs I was talking about earlier for the Google  
5 Search app primarily are associated with people who 15:46:38  
6 have turned "Web and App Activity" settings off.

7 Q And when people have turned the "Web and  
8 App Activity" setting off, is the data that's  
9 collected when it's off considered logged-out or  
10 signed-out data? 15:46:57

11 A So a lot of times today, both legal teams  
12 have been using words which are not technical  
13 synonyms as if they are technical synonyms.  
14 "Unauthenticated," "logged out," "non-personalized"  
15 and "anonymized" all mean different technical 15:47:15  
16 things. So I just want to clarify.

17 Which specific variety of those are you  
18 asking about?

19 Q Let me ask it a little more pointedly,  
20 then. 15:47:26

21 Your premortem study refers to a problem  
22 or a concern regarding logged-in data leaking into  
23 logged-out data or vice versa.

24 Do you recall that?

25 A I mean, primarily it's the other way that 15:47:36

1 we care about more, but yes. Either way is 15:47:38  
2 possible.  
3 Q Right.  
4 So did your premortem study that expressed  
5 concern about that type of leakage also apply to 15:47:46  
6 WAA-off data.  
7 A Yes.  
8 Q And does WAA-off data get used by Google's  
9 AI?  
10 A Yes. 15:48:06  
11 Q Okay. Back to the topic at hand, and then  
12 I think we're at the home stretch.  
13 There was some discussion today that you  
14 had with Google's attorney about Google's AI chatbot  
15 called "LaMDA." 15:48:25  
16 Do you remember that?  
17 A Yes, I do.  
18 Q And just briefly, what is LaMDA?  
19 A LaMDA is a very complex artificial  
20 intelligence system that ultimately provides a 15:48:32  
21 natural language interface to all of Google's  
22 products simultaneously.  
23 MR. LEE: I'm going to ask Josh to mark  
24 the next exhibit, Exhibit 26.  
25 /// 15:48:53

1 I, the undersigned, a Certified Shorthand  
2 Reporter of the State of California, do hereby  
3 certify:

4 That the foregoing proceedings were taken  
5 before me at the time and place herein set forth;  
6 that any witnesses in the foregoing proceedings,  
7 prior to testifying, were administered an oath; that  
8 a record of the proceedings was made by me using  
9 machine shorthand which was thereafter transcribed  
10 under my direction; that the foregoing transcript is  
11 a true record of the testimony given.

12 Further, that if the foregoing pertains to  
13 the original transcript of a deposition in a Federal  
14 Case, before completion of the proceedings, review  
15 of the transcript [ ] was [X] was not requested.

16 I further certify I am neither financially  
17 interested in the action nor a relative or employee  
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date  
20 subscribed my name.

21 Dated: DECEMBER 22, 2023

22  
23 Carla Soares  
24

CARLA SOARES

25 CSR No. 5908

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